

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,
INC., a Michigan corporation; PULTE
DEVELOPMENT NEW MEXICO, INC., a
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,
an Ohio corporation; THE CINCINNATI
INSURANCE COMPANY, an Ohio
corporation; THE CINCINNATI
CASUALTY COMPANY, an Ohio
corporation; HDI GLOBAL SPECIALTY SE
fka INTERNATIONAL INSURANCE OF
HANNOVER, a New York corporation;
SENTINEL INSURANCE COMPANY,
LTD, a Connecticut corporation;
GUIDEONE NATIONAL INSURANCE
COMPANY, an Iowa corporation;
COLORADO CASUALTY COMPANY, a
New Hampshire corporation; OHIO
SECURITY INSURANCE COMPANY, a
New Hampshire corporation; DONEGAL
MUTUAL INSURANCE COMPANY fka
MOUNTAIN STATES MUTUAL
CASUALTY COMPANY, a Pennsylvania
corporation; ACE AMERICAN
INSURANCE COMPANY, a Pennsylvania
corporation; FIRST MERCURY
INSURANCE COMPANY, a Delaware
corporation; CENTURY SURETY
COMPANY, an Ohio corporation; UNITED
SPECIALTY INSURANCE COMPANY, a
Delaware corporation; GEMINI
INSURANCE COMPANY, a Delaware
corporation; PELEUS INSURANCE
COMPANY, a Virginia corporation;
AMERICAN HALLMARK INSURANCE
COMPANY OF TEXAS, a Texas
corporation; CENTRAL MUTUAL
INSURANCE COMPANY, an Ohio
corporation; SOUTHERN INSURANCE

CIVIL NO. 1:22-cv-00388-MV-SCY

**STIPULATION TO DISMISS
PLAINTIFFS' CLAIMS AGAINST
DEFENDANT DONEGAL MUTUAL
INSURANCE COMPANY fka
MOUNTAIN STATES MUTUAL
CASUALTY COMPANY (ECF 1) AND
DEFENDANT'S COUNTER-CLAIM
AGAINST PLAINTIFFS (ECF 76)**

COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; FEDERATED MUTUAL INSURANCE COMPANY, a Minnesota corporation,

Defendants.

AND RELATED COUNTERCLAIM

STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY (ECF 1) AND DEFENDANT'S COUNTER-CLAIM AGAINST PLAINTIFFS (ECF 76)

IT IS HEREBY STIPULATED by and between Plaintiffs PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. ("Plaintiffs") and Defendant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY, by and through their respective attorneys of record, that Plaintiffs' claims against Defendant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY as asserted in Plaintiffs' Complaint (ECF 1) and any other claims that could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Additionally, Defendant/Counter-Claimant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL

CASUALTY COMPANY's claims against Plaintiffs/Counter-Defendants PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. in Counter-Claimant's Counterclaim for Declaratory Judgment (ECF 76) and any other claims that could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Each party shall bear their own attorneys' fees and costs.

Dated: December 13, 2022

PAYNE & FEARS LLP

Dated: December 19, 2022

CRT LAW & PROFESSIONAL SERVICES,
LLC

By: /s/ Sarah J. Odia
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Insurance Company fka Mountain States
Mutual Casualty Company

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2022, a true and correct copy of **STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY (ECF 1) AND DEFENDANT'S COUNTER-CLAIM AGAINST PLAINTIFFS (ECF 76)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens
Jennifer Stephens, an Employee of
PAYNE & FEARS LLP

4859-6582-0995.2